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EXAMINER

ELPENORD, CANDAL

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,620	<b>Applicant(s)</b> KOPMEINERS ET AL.	
	<b>Examiner</b> CANDAL ELPENORD	<b>Art Unit</b> 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>December 22, 2005</u> .                                       | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.
2. The Applicant alleged the cited portions of Gardner '709 do not pre-date the present application with respect to the provisional specification.

In response, the Examiner respectfully disagrees with the assertions made by the Applicant. In particular, the Applicant failed to point out which cited portions that were used against the claimed invention were later added to the non-provisional application.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 1-11, 13-15, 16-25**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Perahia et al (US 7,352,688 B1) in view of Li et al (US 2004/0258025 A1).

**Regarding claims 1,16**, Perahia '688 discloses a method for transmitting data ("method for transmitting OFDM signal", col. 2, lines 15-25, lines 41-50) in a multiple antenna communication system (fig. 1, Wireless Communication System comprising of antenna elements, col. 4, lines 1-21, fig. 3, MIMO transmitter system 300, col. 5, lines 6-9) having N transmit antennas (noted: transmitting a signal via a first OFDM antenna element, and via a second antenna element, col. 2, lines 41-50, see fig. 3, OFDM antenna elements 106H and 106V, col. 4, lines 11-21), said method comprising the step of: transmitting a legacy preamble (noted: transmitting of preamble containing long training symbols according to IEEE 802.11, col. 5, lines 28-36) and at least one additional long training symbol (fig. 5 to fig. 6, 2<sup>nd</sup> Long Training Symbol 506, col. 6,

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lines 29-45) on each of said N transmit antennas (noted: transmitting a signal via a first OFDM antenna element, and via a second antenna element, col. 2, lines 41-50, see fig. 3, OFDM antenna elements 106H and 106V, col. 4, lines 11-21), wherein a sequence of each of said long training symbols (fig. 5 to fig. 6, 1<sup>st</sup> and 2<sup>nd</sup> Long Training Symbols 506, col. 6, lines 29-45, fig. 6, see Odd and Even Long Training Symbols 604, 606) on each of said N transmit antennas are orthogonal (noted: transmission of the long training symbols by two transmitting antenna elements using non-overlapping subsets of subcarriers, col. 8, lines 48-60).

**Regarding claims 2, 17**, Perahia '688 discloses the method, wherein said legacy preamble further comprises at least one short training symbol (fig. 1 to fig. 2, see Short Training Symbols 502 of the preamble, col. 6, lines 33-37).

**Regarding claims 3, 18**, Perahia '688 discloses the method, wherein said legacy preamble further comprises at least one SIGNAL field (noted: fig. 5 to fig. 6, SIGNAL field 512 that designate modulation type, col. 6, lines 53-57).

**Regarding claims 4, 19**, Perahia '688 discloses the method, wherein said legacy preamble is an 802.11a/g preamble (noted: IEEE 802.11a standard or use of preamble, col. 5, lines 28-36, col. 6, lines 48-53).

**Regarding claims 5, 20**, Perahia '688 discloses the method, wherein each of said long training symbols are time orthogonal (noted: transmitting of long training

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symbols by two antenna elements using non-overlapping subsets of subcarriers, col. 8, lines 48-60).

**Regarding claims 6, 21,** Perahia '688 discloses the method, wherein each of said long training symbols (fig. 5 to fig. 6, see 1<sup>st</sup> and 2<sup>nd</sup> Long Training Symbols 506) are time orthogonal by introducing a phase shift (noted: for each successive OFDM symbol, an IFFT is applied to complex subcarriers in order to obtain the time domain, col. 3, lines 54-65, fig. 2, Block 205, shifts the frequency and the phase, col. 4, lines 49-51) to each of said long training symbols (fig. 5 to fig. 6, see 1<sup>st</sup> and 2<sup>nd</sup> Long Training Symbols 506) relative to one another (noted: for each successive OFDM symbol, an IFFT is applied to complex subcarriers in order to obtain the time domain, col. 3, lines 54-65, fig. 2, Block 205, shifts the frequency and the phase, col. 4, lines 49-51).

**Regarding claims 7, 22,** Perahia '688 discloses the method, wherein said phase shift (noted: for each successive OFDM symbol, an IFFT is applied to complex subcarriers in order to obtain the time domain, col. 3, lines 54-65, fig. 2, Block 205, shifts the frequency and the phase, col. 4, lines 49-52) is introduced to each of said long training symbols (fig. 5 to fig. 6, see 1<sup>st</sup> and 2<sup>nd</sup> Long Training Symbols 506) using a complex rotation (noted: phase rotation through tone measurements, col. 7, lines 64-65).

**Regarding claims 8, 23,** Perahia '688 discloses the method ("method for transmitting OFDM signal", col. 2, lines 15-25, lines 41-50), wherein N is two ( and wherein said transmitting step further comprises the step of transmitting a legacy

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preamble having at least one long training symbol and one additional long training symbol (fig. 5 to fig. 6, see 1<sup>st</sup> and 2<sup>nd</sup> Long Training Symbols 506) on each of said two transmit antennas (fig. 5, Antenna Element 1 and Antenna Element 2, col. 6, lines 29-32) wherein one of said transmit antennas transmits one (noted: transmitting of first OFDM training signal/symbol on first antenna, col. 2, lines 41-50) of said long training symbols (fig. 5 to fig. 6, see 1<sup>st</sup> and 2<sup>nd</sup> Long Training Symbols 506) with a reversed polarity (noted: generation of antenna polarizations, fig. 3, col. 5, lines 6-15).

**Regarding claims 9, 24,** Perahia '688 discloses the method, whereby a lower order receiver (fig. 4, Receiver, processing the received long training symbol, col. 9, lines 54-67) can interpret said transmitted data (fig. 4, Receiver, processing the received long training symbol, col. 9, lines 54-67, col. 5, lines 45 to col. 6, lines 21).

**Regarding claims 10, 25** Perahia '688 discloses the method, further comprising the step of transmitting a field (fig. 5 to fig. 6, see, Element 1, 2 identifying the distinct antennas 1,2) indicating said number N of transmit antennas (Noted: transmitted long training symbols by antenna elements 1, 2, col. 6, lines 29-32, col. 8, lines 48-60).

**Regarding claim 11,** Perahia '688 discloses the method, further comprising the step of transmitting a field identifying an employed coding scheme (noted: the signal filed 512 indicating the modulation type , col. 6, lines 53-57, QAM modulation, col. 5, lines 16-27).

**Regarding claim 13**, Perahia '688 discloses the method, further comprising the step of transmitting a field identifying a long training symbol format (fig. 6, see Odd and Even transmitted Long Training Symbol 604, 606, col. 8, lines 48-60).

**Regarding claim 14**, Perahia '688 discloses the method, wherein said legacy preamble has a shorter guard interval (fig. 5 to fig. 6, see Guard Interval 508, col. 6, lines 38-54).

**Regarding claim 15**, Perahia '688 discloses the method, wherein said legacy preamble (Noted: preamble with long training symbols, col. 5, lines 28-36) has a long training field containing only one long training symbol (fig. 5 to fig. 6, see long training symbol field 506, 604, 606).

Perahia '688 discloses all the claimed limitations as set forth above with the exception of being silent with respect to claimed features: **Regarding claim 1, 16**, wherein the legacy preamble comprises at least one long training symbol.

However, Li '025 from the same field of endeavor discloses the above claimed features:

**Regarding claims 1, 16**, wherein the legacy preamble comprises at least one long training symbol (fig. 6, see 802.11 compatible preamble with long training symbol block 1, long training symbol block 2 along with signals field and the OFMD data field, paragraphs 0025-0027).

In view of the above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching features of Perahia '688 by



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using the teaching features of Li '025 in order to provide enhancement of data rate of wireless LAN in a MIMO system as suggested in paragraph 011 for motivation.

7. **Claims 1-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al (US 2005/0233709 A1) in view of Li et al (US 2004/0258025 A1).

**Regarding claims 1, 16**, Gardner '709 discloses a method for transmitting data (Noted: transmission of OFDM signal with respect to a preamble, paragraphs 0022-0023) in a multiple antenna communication system having N transmit antennas (fig. 3, MIMO Antennas 102, 104, fig. 8, see Transmitter 0, and Transmitter 1, paragraphs 0056, 0022), said method comprising the step of: transmitting a legacy preamble (noted: transmission of a preamble, paragraphs 0021-0023) and at least one additional long training symbol (fig. 4 in combination with fig. 8, Long Training Symbol L2 followed by Long Training Symbol L3 and L4 respectively) on each of said N transmit antennas (fig. 3, MIMO Antennas 102, 104, fig. 8, see Transmitter 0, and Transmitter 1, paragraphs 0056, 0022), wherein a sequence of each of said long training symbols on each of said N transmit antennas (fig. 3, MIMO Antennas 102, 104, fig. 8, see Transmitter 0, and Transmitter 1, paragraphs 0056, 0022) are orthogonal (noted: one transmitter transmits with a odd set of subcarriers and the other transmitter transmits with the even subcarriers as reference by fig. 4, paragraphs 0035-0040).

**Regarding claims 2,17**, Gardner '709 discloses the method (Noted: transmission of OFDM signal with respect to a preamble, paragraphs 0022-0023),

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wherein said legacy preamble further comprises at least one short training symbol (fig. 1, and fig. 8, Short Training Symbol, paragraphs 0005, 0034, 0056).

**Regarding claims 3, 18,** Gardner '709 discloses the method of claim 1, wherein said legacy preamble further comprises at least one SIGNAL field (Noted: Signal according to IEEE 802.11a, paragraph 0078, 0005, fig. 1, Signal Field, paragraph 0059)

**Regarding claims 4, 19,** Gardner '709 discloses the method, wherein said legacy preamble is an 802.11a/g preamble (noted: transmitting of a preamble using legacy device as referenced by IEEE 802.111 and IEEE 802.11g, paragraphs 0027-0028, 0062).

**Regarding claim 5, 20,** Gardner '709 discloses the method, wherein each of said long training symbols are time orthogonal (noted: transmitting of OFDM long training signals using IFFT/time varying signal, paragraph 0037, 0044).

**Regarding claims 6,21,** Gardner '709 discloses the method, wherein each of said long training symbols are time orthogonal by introducing a phase shift to each of said long training symbols relative to one another (noted: generating an output sequence comprising of complex values associated with a phase shifts, paragraph 0044, 0070).

**Regarding claims 7, 22,** Gardner '709 discloses the method, wherein said phase shift is introduced to each of said long training symbols using a complex rotation

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(noted: generating an output sequence comprising of complex values associated with a phase shifts, paragraph 0044, 0069).

**Regarding claims 8, 23,** Gardner '709 discloses the method, wherein N is two (noted: method for transmitting where two or more transmitting antennas may be used, paragraph 0022, 0072, 0077, fig. 3 to fig. 4) and wherein said transmitting step further comprises the step of transmitting a legacy preamble having at least one long training symbol (Noted: transmission of long training symbol as referenced by fig. 4, L2, L3, and L4, paragraphs 0034-0038) and one additional long training symbol (fig. 4 in combination with fig. 8, Long Training Symbol L2 followed by Long Training Symbol L3 and L4 respectively) on each of said two transmit antennas (fig. 3, MIMO Antennas 102, 104, fig. 8, see Transmitter 0, and Transmitter 1, paragraphs 0056, 0022), wherein one of said transmit antennas transmits one of said long training symbols with a reversed polarity (Noted: transmission of OFDM preamble whereby one transmitter transmits with even set of subcarriers and the other transmitter transmits with odd set of subcarriers, paragraphs 0037-0038, fig. 3, 4, 8).

**Regarding claims 9, 24,** Gardner '709 discloses the method, whereby a lower order receiver (fig. 3, Legacy Receiver 102, 104, receiving OFDM preamble, paragraphs 0021-0023) can interpret said transmitted data (noted: a receiver detecting the repetitive short and long training symbols, paragraphs 0025, 0034, 0042-0044, 00555, 0059).

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**Regarding claims 10, 25,** Gardner '709 discloses the method, further comprising the step of transmitting a field indicating said number N of transmit antennas (fig. 3 to fig. 4, fig. 8, see field identifying each OFDM transmitter as Transmitter 0, Transmitter 1, paragraphs 0022-0024, 0056).

**Regarding claim 11,** Gardner '709 discloses the method of claim 1, further comprising the step of transmitting a field identifying an employed coding scheme (noted: OFDM transmitter using plurality of channels, transmits a signal field that indicates the coding rate, paragraph 0058-0059)..

**Regarding claim 12,** Gardner '709 discloses the method noted: method for providing coexistence between the extended devices and the legacy IEEE 802.11a and IEEE 802.11g, paragraph 0062, further comprising the step of transmitting a field identifying channel bonding options (noted: transmission of signal using combination of extensions, paragraphs 0026-0034, 0048-0049).

**Regarding claim 13,** Gardner '709 discloses the method, further comprising the step of transmitting a field identifying a long training symbol format (noted: transmission of MIMO signal in the form of long training symbol using out-band subcarriers, paragraphs 0050-0053).

**Regarding claim 14,** Gardner '709 discloses the method, wherein said legacy preamble has a shorter guard interval (fig. 1, fig. 3 to fig. 4, fig. 8, see, Guard Interval).

**Regarding claim 15**, Gardner '709 discloses the method, wherein said legacy preamble has a long training field containing only one long training symbol (fig. 3 to fig. 4, see Long Training Symbols as referenced by L2, L3 and L4, fig. 8, see Long Training Symbol transmitted by Transmitter 0, and Transmitter 1 as referenced by I1, I0 in the repeated training field respectively, paragraphs 0056, 0058).

Gardner '709 discloses all the claimed limitations as set forth above with the exception of being silent with respect to claimed features: **Regarding claim 1, 16**, wherein the legacy preamble comprises at least one long training symbol.

However, Li '025 from the same field of endeavor discloses the above claimed features:

**Regarding claims 1, 16**, wherein the legacy preamble comprises at least one long training symbol (fig. 6, see 802.11 compatible preamble with long training symbol block 1, long training symbol block 2 along with signals field and the OFMD data field, paragraphs 0025-0027).

In view of the above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching features of Gardner '709 by using the teaching features of Li '025 in order to provide enhancement of data rate of wireless LAN in a MIMO system as suggested in paragraph 011 for motivation.

**Regarding claims 26, 29**, Gardner '709 discloses a method for receiving data on at least one receive antenna (fig. 3, Legacy Receiving Antenna 102, 104, paragraphs

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0022-0023) transmitted by a transmitter having N transmit antennas (fig. 3, fig. 8, Transmitting Antennas 102, 104, paragraphs 022-0023, 0030-0031, 0056, “MIMO transmitter comprising of two or more antennas”, paragraph 0070, 0072)) in a multiple antenna communication system (“MIMO transmitter comprising of two or more antennas”, paragraph 0070, 0072, fig. 3, to fig. 4, fig. 8), said method comprising the steps of: receiving a legacy preamble (fig. 4, fig. 8, see preamble being transmitted and received, paragraphs 0021-0022, 0024, 0035, noted: the legacy receiver receiving the long training symbol and interpreting the preamble, paragraphs 0025, 0034, 0044) and an indication of a duration of a transmission of said data (noted: transmitting of OFDM preamble with 3.2 microsecond duration as referenced by fig. 8, noted: legacy receiver defers of incoming packet signals for a time”, paragraph 0025, “the Signal field provides the receiver with information about the length of the packet and how long to defer”, paragraph 0055, 0059), and at least one additional long training symbol (fig. 4 in combination with fig. 8, Long Training Symbol L2 followed by Long Training Symbol L3 and L4 respectively) on each of said N transmit antennas (fig. 3, MIMO Antennas 102, 104, fig. 8, see Transmitter 0, and Transmitter 1, paragraphs 0056, 0022), wherein a sequence of each of said long training symbols on each of said N transmit antennas (fig. 3, MIMO Antennas 102, 104, fig. 8, see Transmitter 0, and Transmitter 1, paragraphs 0056, 0022) are orthogonal (noted: one transmitter transmits with a odd set of subcarriers and the other transmitter transmits with the even subcarriers as reference by fig. 4, paragraphs 0035-0040), said legacy preamble transmitted such that said indication of a duration can be interpreted by a lower order receiver (fig. 3,

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Receiving Legacy Antenna, paragraphs 0022, 0025, noted: receiver detecting the received long training symbols, paragraph 0034, "the Signal field provides the receiver with information about the length of the packet and how long to defer", paragraph 0055, fig. 1, fig. 4, and fig. 8); and deferring for said indicated duration (noted: "legacy receiver defers processing of incoming packet signals for a time", paragraph 0025, 0059).

**Regarding claim 27**, Gardner '709 discloses the method, wherein said method is performed by a SISO receiver (noted: the receiver decoding the long training symbols, paragraph 0077, 0071, "legacy SISO", paragraphs 0025-0029).

**Regarding claim 28**, Gardner '709 discloses the method, wherein said indication is transmitted in a SIGNAL field (noted: the receiver decoding the signal field which provides it with information about how long to defer, paragraph 0055, 0078) that complies with the 802.11 a/g standards (noted: coexistence between legacy devices that conform to IEEE 802.11a and 802.11g, paragraphs 0062, 0068).

Gardner '709 discloses all the claimed as set forth in the above rejection with the exception of being silent with respect to claimed features: **Regarding claims 26, 29**, wherein the legacy preamble comprises at least one long training symbol.

However, Li '025 from the same field of endeavor discloses the above claimed features:

**Regarding claims 26, 29**, wherein the legacy preamble comprises at least one long training symbol (fig. 6, see 802.11 compatible preamble with long training symbol block 1, long training symbol block 2 along with signals field and the OFMD data field, paragraphs 0025-0027).

In view of the above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching features of Gardner '709 by using the teaching features of Li '025 in order to provide enhancement of data rate of wireless LAN in a MIMO system as suggested in paragraph 011 for motivation.

8. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Perahia et al (US 7,352,688 B1) in view Li et al (US 2004/0258025 A1) as applied to claim 1 and further view of Gardner et al (US 2005/0233709 A1).

**Regarding claim 12**, Perahia '688 and Li '025 disclose all the claimed limitation with the exception of being silent with respect to claimed features: the method, further comprising the step of transmitting a field identifying channel bonding options

However, Gardner '709 from the same field of endeavor discloses the above claimed features: the method (noted: method for providing coexistence between the extended devices and the legacy IEEE 802.11a and IEEE 802.11g, paragraph 0062), further comprising the step of transmitting a field identifying channel bonding options (noted: transmission of signal using combination of extensions, paragraphs 0026-0034, 0048-0049).



In view of the above, having the method for transmitting signal/training preamble of Perahia '688, the MIMO communication system of Li '025, and the teaching features of Gardner '709, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the features of Perahia '688 with Li '025 by using features as taught by Gardner '709 in order to provide compatibility using legacy devices as suggested in paragraphs 0009-0010 for motivation.

9. **Claims 26-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Perahia et al (US 7,352,688 B1) in view of Gardner et al (US 2005/0233709 A1) and further view of Li et al (US 2004/0258025 A1).

**Regarding claims 26, 29**, Perahia '688 discloses a method for receiving data on at least one receive antenna (Noted: "method for receiving a signal via a first antenna element", col. 2, lines 59-63, fig. 4, see, Receiver in Operation, col. 5, lines 45 to col. 6, lines 21 col. 9, lines 54-67) transmitted by a transmitter having N transmit antennas (noted: transmitting a signal via a first OFDM antenna element, and via a second antenna element, col. 2, lines 41-50, see fig. 3, OFDM antenna elements 106H and 106V, col. 4, lines 11-21) in a multiple antenna communication system (fig. 1, Wireless Communication System comprising of two antenna elements, col. 4, lines 1-21, fig. 3, MIMO transmitter system 300, col. 5, lines 6-9), said method (Noted: "method for receiving a signal via a first antenna element", col. 2, lines 59-63, fig. 4, see, Receiver in operation, col. 5, lines 45 to col. 6, lines 21, col. 9, lines 54-67) comprising the steps of: receiving a legacy preamble having at least one long training symbol

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(noted: the receiver, receiving a first long training symbol, col. 6, lines 7-21), and at least one additional long training symbol on each of said N transmit antennas (noted: transmitting a signal via a first OFDM antenna element, and via a second antenna element, col. 2, lines 41-50, see fig. 3, OFDM antenna elements 106H and 106V, col. 4, lines 11-21), wherein a sequence of each of said long training symbols (fig. 5 to fig. 6, see 1<sup>st</sup> and 2<sup>nd</sup> Long Training Symbols 506) on each of said N transmit antennas (noted: transmitting a signal via a first OFDM antenna element, and via a second antenna element, col. 2, lines 41-50, see fig. 3, OFDM antenna elements 106H and 106V, col. 4, lines 11-21) are orthogonal (noted: transmission of the long training symbols by two transmitting antenna elements using non-overlapping subsets of subcarriers, col. 8, lines 48-60, receiving the OFDM signal using non-overlapping first and second set of subcarriers, col. 2, lines 51-63).

**Regarding claim 27**, Perahia '688 discloses the method (Noted: "method for receiving a signal via a first antenna element", col. 2, lines 59-63, fig. 4, see, Receiver in Operation, col. 5, lines 45 to col. 6, lines 21 col. 9, lines 54-67), wherein said method is performed by a SISO receiver (fig. 4, SISO receiver, col. 9, lines 54-67).

Perahia '688 discloses all then claimed limitation with the exception of being silent with respect to claimed features:

**Regarding claims 26, 29**, and an indication of a duration of a transmission of said data; said legacy preamble transmitted such that said indication of a duration can be interpreted by a lower order receiver; and deferring for said indicated duration.

**Regarding claim 28**, wherein said indication is transmitted in a SIGNAL field that complies with the 802.11 a/g standards.

However, Gardner '709 from the same field of endeavor discloses the above claimed features:

**Regarding claims 26, 29**, and an indication of a duration of a transmission of said data (noted: legacy receiver defers of incoming packet signals for a time", paragraph 0025, "the Signal filed provides the receiver with information about the length of the packet and how long to defer", paragraph 0055, 0059); said legacy preamble transmitted such that said indication of a duration can be interpreted by a lower order receiver (fig. 3, Receiving Antenna, paragraph 0022, noted: receiver detecting the received long training symbols, paragraph 0034, "the Signal filed provides the receiver with information about the length of the packet and how long to defer", paragraph 0055, fig. 1, fig. 4, and fig. 8); and deferring for said indicated duration (noted: "legacy receiver defers processing of incoming packet signals for a time", paragraph 0025).

**Regarding claim 28**, wherein said indication is transmitted in a SIGNAL field (Noted: signal field with a four microseconds duration, paragraph 0005, "the Signal filed provides the receiver with information about the length of the packet and how long to defer", paragraph 0055) that complies with the 802.11 a/g standards (noted: legacy wireless device that is compatible with IEEE 802.11a and 802.11g, paragraphs 0027-0028).

In view of the above, having the method for transmitting signal/training preamble of Perahia '688, and the teaching features of Gardner '709, it would have been obvious

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to one of ordinary skill in the art at the time the invention was made to modify the features of Perahia '688 by using features as taught by Gardner '709 in order to provide compatibility using legacy devices as suggested in paragraphs 0009-0010 for motivation.

Perahia '688 and Gardner '709 disclose all the claimed as set forth in the above rejection with the exception of being silent with respect to claimed features: **Regarding claims 26, 29**, wherein the legacy preamble comprises at least one long training symbol.

However, Li '025 from the same field of endeavor discloses the above claimed features:

**Regarding claims 26, 29**, wherein the legacy preamble comprises at least one long training symbol (fig. 6, see 802.11 compatible preamble with long training symbol block 1, long training symbol block 2 along with signals field and the OFMD data field, paragraphs 0025-0027).

In view of the above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching features of Perahia '688 with Gardner '709 by using the teaching features of Li '025 in order to provide enhancement of data rate of wireless LAN in a MIMO system as suggested in paragraph 011 for motivation.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Crawford et al (US 2003/0002471 A1) and Murphy et al (US 7,280,621 B1).

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDAL ELPENORD whose telephone number is (571)270-3123. The examiner can normally be reached on Monday through Friday 7:30AM to 5:00PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Bin Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Candal Elpenord/

Examiner, Art Unit 2416

/Kwang B. Yao/

Supervisory Patent Examiner, Art Unit 2416